



**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

VICTORGOMEZ-ORTIZ,

Defendant.

Case No. CR 04-1239-CAS
ORDER OF DETENTION

[Fed. R. Crim. P. 31.1(a)(6);
18 U.S.C. § 3143(a)(1)]

I.

On October 20, 2016, Defendant appeared before the Court for initial appearance on the petition and warrant for revocation of supervised release in the above-entitled matter.

The Court found that Defendant was entitled to be represented by appointed counsel based on the affidavit dated on October 20, 2016. Defendant was represented by Brian Newman, specially appearing for Mark Windsor, who was previously appointed from the indigent defense panel to represent Defendant.

1 The Court has reviewed the Pretrial Services Report and its recommendation
 2 of detention, the allegations in the Violation Petition and the Government's
 3 Request for Detention.

4 Pursuant to Federal Rule of Criminal Procedure 32.1(a)(6) and 18 U.S.C. §
 5 3143(a) following Defendant's arrest for alleged violation(s) of the terms of
 6 Defendant's ☐ probation / ☒ supervised release, The Court finds that :

7 A. ☒ Defendant has not carried his burden of establishing by clear
 8 and convincing evidence that Defendant will appear for further proceedings as
 9 required if released [18 U.S.C. § 3142(b-c)]. This finding is based on: ☒

10 Allegations in petition include illegally entering the United States following
 11 deportation as evidenced by a conviction for illegal entry by an alien, failing to
 12 report to a probation officer within 72 hours or re-entering the United States, and
 13 failing to report to a probation officer within 72 hours of being arrested or
 14 questioned by a law enforcement officer.

15 B. ☒ Defendant has not carried his burden of establishing by clear
 16 and convincing evidence that Defendant will not endanger the safety of any other
 17 person or the community if released [18 U.S.C. § 3142(b-c)]. This finding is based
 18 on: ☒ criminal history, history of non-compliance, and subsequent
 19 immigration arrest and conviction while on supervision

20 ☒ allegations in the Petition for Revocation

21 III.

22 IT IS THEREFORE ORDERED that the defendant be detained pending
 23 further proceedings.

24 Dated: October 20, 2016

26 /s/

27 ALKA SAGAR
 28 UNITED STATES MAGISTRATE JUDGE